

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RICHARD CARLTON RISHER,

Plaintiff,

vs.

T.C. OUTLAW,

Defendant.

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Cv. No. 04-2959-Ma/V
Cr. No. 88Cr640(ALL)
Central District CA

ORDER REAFFIRMING CERTIFICATION THAT APPEAL
IS NOT TAKEN IN GOOD FAITH
AND
ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

On February 27, 2006, Richard Carlton Risher, Bureau of Prisons (BOP) registration number 89032-012, an inmate at the Federal Correctional Institution (FCI) in Memphis, filed a notice of appeal from the Court's order denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. That order certified pursuant to Rule 24 of the Federal Rules of Appellate Procedure that any appeal would not be taken in good faith and that Risher may not appeal in forma pauperis.

Also on February 27, 2006, Risher filed a motion to proceed in forma pauperis. The Court reaffirms, for the reasons expressed in the order denying the original petition, that any appeal in this matter by petitioner is not taken in good faith, and the motion to proceed on appeal in forma pauperis is DENIED.

Risher is obligated to pay the \$255 filing fee required by 28 U.S.C. §§ 1913 and 1917 within thirty days of the entry of this

order.¹ Pursuant to Fed. R. App. P. 24(5), Risher must make any further requests to proceed on appeal in forma pauperis to the Sixth Circuit Court of Appeals

IT IS SO ORDERED this 16th day of March, 2006.

s/ SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

04-2959.Order1.wpd

¹ The fee for docketing an appeal is \$250. See Judicial Conference Schedule of Fees, ¶ 1, Note following 28 U.S.C. § 1913. Under 28 U.S.C. § 1917, a district court also charges a \$5 fee:

Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or of a writ of certiorari \$5 shall be paid to the clerk of the district court, by the appellant or petitioner.